



1 JONAH KENNEDY,  
2 being first duly sworn, was examined and testified as  
3 follows, to wit:

4 DIRECT EXAMINATION

5 BY MS. SIMONE FULMER GAUS:

6 Q Good morning, Mr. Kennedy. My name is  
7 Simone Fulmer and I represent Lynnette Mason in a  
8 lawsuit that has been filed against State Farm.

9 Are you familiar with that lawsuit?

10 A Yes, ma'am, I'm familiar with it.

11 Q I'm sorry?

12 A Yes, ma'am, I am familiar with it.

13 Q Okay. And it is my understanding that you  
14 played a role in the handling of Ms. Mason's UM claim;  
15 is that correct?

16 A Yes, ma'am, I did play a little role in it.

17 Q Okay. And you said that you "played a  
18 little role."

19 Can you tell me what you mean by that?

20 A As my -- as it was early in my training or  
21 in my employment with State Farm for injury, it was  
22 under Brett Tyner's discretion of what I did.

23 Q Okay. And if I'm to understand you, because  
24 you were newer at the job, Mr. Tyner was essentially  
25 giving you assignments that you needed to fulfill on

1     **this claim?**

2           A     Yes, ma'am, that sounds about correct.

3           Q     **Okay. Is it fair to say that all the**  
4     **decision making on this claim was made by Mr. Tyner?**

5           A     Yes, ma'am.

6           Q     **And so --**

7                   MR. ACQUAVIVA: Object to the form of the  
8     question.

9           Q     **(By Ms. Fulmer) -- is it fair to say that**  
10    **the -- well, let's back up a moment.**

11                   There is a letter that was sent to  
12    **Ms. Mason's lawyer dated July 27th of 2020.**

13                   Are you familiar with that letter?

14           A     I am familiar with it, but can we take a  
15    look at it?

16           Q     **We will.**

17                   I'm just asking you if you're familiar with  
18    **the letter I'm talking about?**

19           A     Yes, ma'am.

20           Q     **Okay. Is it fair to say that that letter**  
21    **and the content of that letter was prepared by**  
22    **Mr. Tyner?**

23           A     Yes, he did prepare the letter, in my  
24    review.

25           Q     **Okay. And any decisions that might be**

1 reflected in that letter were decisions made by  
2 someone other than yourself; is that fair?

3 A Yes, ma'am, that would be fair. He did  
4 write that letter so he did make that decision.

5 Q Okay. Other than that letter -- oh, let me  
6 again back up.

7 You mailed that letter; is that fair?

8 A That's fair, yes, ma'am.

9 Q And you signed that letter; correct?

10 A Yes, it does have my signature on it.

11 Q Up until that date of July 27, 2020, had you  
12 done anything actively to look into the issues that  
13 that letter purported to address?

14 MR. ACQUAVIVA: Object to the form of the  
15 question.

16 Q (By Ms. Fulmer) Do you understand my  
17 question, Mr. Tyner? I mean Kennedy. I'm sorry.

18 MR. ACQUAVIVA: This is Mr. Kennedy.

19 THE WITNESS: Can -- can you repeat the  
20 question again?

21 Q (By Ms. Fulmer) Certainly.

22 Up to July 27, 2020, had you done any active  
23 participation in coming up with the content that is  
24 reflected in that July 27, 2020 letter?

25 A I did not, no, ma'am.

1 concerned your participation in the handling of that  
2 UM claim?

3 A Yes, ma'am.

4 Q We've spoken briefly about the July 27, 2020  
5 letter that you sent to Mr. Gass.

6 Do you remember that letter?

7 A I do remember that letter.

8 Q Did Mr. Tyner share with you what he did in  
9 order to be able to prepare it?

10 A He did not.

11 Q So you don't know what investigation he  
12 might have done in order to prepare that letter; is  
13 that right?

14 A The only, the only thing that I know he  
15 reviewed is what I saw in the letter as well as the  
16 file note.

17 Q Okay. If I'm to understand you, as far as  
18 what Mr. Tyner would have done in order to prepare the  
19 content of that letter, he would have only reviewed  
20 those matters he mentions.

21 Is that -- do I understand you correctly?

22 A Repeat the question, please.

23 Q I'll try.

24 If I'm to understand your previous answer,  
25 what Mr. Tyner did or what he reviewed or looked at in

1 correct?

2 A Yes, that's my understanding of Mr. Gass'  
3 letter.

4 Q And the effect of the July 27, 2020 letter  
5 was to reject that claim for uninsured motorist  
6 benefits; true?

7 A Yes, ma'am, I would say that is.

8 Q Did you do anything to investigate the  
9 liability issue that underlay that UM claim?

10 A No, ma'am, I did not. The investigation was  
11 completed before I was there.

12 Q And based on your previous testimony, am I  
13 correct to believe that when Mr. Tyner gives you this  
14 letter, that you did not do anything independently to  
15 go back and look at that liability issue?

16 A Yes, ma'am, that is correct.

17 Q Do you know why Mr. Tyner wanted you to be  
18 the one who signed this July 27, 2020 letter that was  
19 rejecting the claim for uninsured motorist benefits?

20 A As the claim was assigned to me, I would --  
21 from my understanding, it was a training opportunity  
22 from him given my lack of experience.

23 Q Can you describe for me what training  
24 experience Mr. Tyner giving you this letter to send to  
25 Mr. Gass provided to you?

1 use it in every deposition. I do all of mine that  
2 way.

3 Q (By Ms. Fulmer) So if we can look,  
4 Mr. Kennedy, at the letter, the first page of which  
5 you can see on your screen there.

6 Can you see that all right?

7 A Yes, ma'am.

8 Q And do you need a chance to read this before  
9 we start talking about it real quick?

10 A Yes, ma'am, I'll go ahead.

11 (Brief pause)

12 All right, ma'am. I've read it.

13 Q Okay. And here's the next pages.

14 (Brief pause)

15 A All right. I've read it.

16 Q Okay. I'm going to go back to the first  
17 page. It's Bates No. SF192.

18 If you see, Mr. Kennedy, in that first  
19 paragraph, the letter indicates that you have  
20 "reviewed the Court's Pre-Trial Conference Order...the  
21 Court's Jury Instructions... and the Court's Journal  
22 Entry of judgment;" is that correct?

23 A That's what it says, yes, ma'am.

24 Q Did you personally review any of those items  
25 before this letter was sent?

1           A       No, ma'am, I did not.

2           Q       And again, is this because Mr. Tyner had  
3       prepared this letter and asked you to send it under  
4       your signature?

5           A       Yes, ma'am, as a training opportunity, I  
6       would say.

7           Q       Did you participate in any telephone calls  
8       that Mr. Tyner may have had about this UM claim that  
9       was made by Mr. Gass in June of 2020?

10          A       No, ma'am, that's -- not that I can recall.

11          Q       Did you and Mr. Tyner discuss the issues  
12       that were involved in Mr. Gass' assertion of a UM  
13       claim after the verdict in Mason versus Harrison?

14          A       I believe we did speak about it, but I can't  
15       really recall what was said exactly.

16          Q       Did you discuss the fact that someone who  
17       has an uninsured motorist coverage with State Farm in  
18       the state of Oklahoma may actually be able to claim  
19       both an uninsured and an underinsured motorist claim  
20       arising out of a single event?

21          A       I believe that's possible, yes.

22          Q       And you know, as you sit here today, that  
23       someone does have that right if the circumstances bear  
24       that out; correct?

25          A       If the circumstances align, yes, ma'am.